

IN THE MATTER OF THE
THE APPLICATION OF
JACK LEVIN, ET AL
FOR A VARIANCE ON PROPERTY
LOCATED ON THE SOUTHWEST
SIDE LIBERTY ROAD, 138'
SOUTHEAST OF TULSA ROAD
(6025 LIBERTY ROAD)
2ND ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 91-210-A

OPINION

The Petitioners, Jack Levin, et al, have filed an appeal to this Board from the decision of the Deputy Zoning Commissioner dated February 28, 1991 wherein Petitioners' variance to permit a sign area of 250 square feet in lieu of the permitted 100 square feet was granted to the effect that the permitted area was allowed at 125 square feet. Petitioner argues on appeal that the partial granting of the variance is not sufficient and is tantamount to being required to tear down the presently existing sign.

The Petitioner representative and tenant, David Schlachman, appeared and testified represented by Newton A. Williams, Esquire. There were no protestants. Mr. Schlachman testified that he is the tenant for the property known as 6025 Liberty Road which is improved with a building which is part of a strip-shopping center as shown on Petitioner's Exhibit No. 1. The building is occupied by three businesses: his business, which is a mini-mart; a High Gear automotive parts store; and a laundromat. He informed the Board that he is one of the partners and actually works at the business. In 1987, he entered into a contract with Connolly Sign Co., Inc., to have erected the present sign on the property which, according to the site plan, is 21 feet high, and consists of three separate, double-faced signs with square footage per face of the

Case No. 91-210-A Jack Levin, et al 2

sign in the amount of 120 square feet. The upper sign is 60 square feet, the middle sign is 20 square feet, and the lower sign is 40 square feet (see Petitioner's Exhibit No. 1, site plan, and Petitioner's Exhibit No. 2, photographs of the sign). Apparently, Connolly Sign Co. made application for a permit with Baltimore County and a permit was issued for the sign as it now exists on the property. In 1989 the Petitioner received a zoning violation indicating that the sign exceeded the maximum sign area of 100 square feet as permitted by the Baltimore County Zoning Regulations (BCZR). In an effort to correct the problem, the Petitioner filed a Petition for Variance with the Zoning Commissioner for Baltimore County. A hearing was held, and Petitioner was granted a variance to permit a total sign area of 125 square feet in lieu of the maximum permitted 100 square feet total. Petitioner paid to Connolly Sign Co. the sum of \$11,000 for the sign. Connolly is now out of business. It is clear from the testimony presented before this Board that Mr. Schlachman did not participate in any manner in the granting of the permit for the sign and had no idea that the sign erected was in excess of the maximum square footage permitted by the BCZR. Mr. Schlachman testified that if he were not granted his requested variance before this Board he would suffer grave financial hardship requiring him to take down the present sign which cost him \$11,000 and to put up a smaller sign at an estimated cost of \$8,000. He believes that this poses a real detriment and hardship to him. He further advised that a sign larger than that permitted by the BCZR is required because his property is located at a grade lower than street grade and that trees have been planted

Case No. 91-210-A Jack Levin, et al 3

between the highway and the parking lot which block the view of the Petitioner's property. He feels that it is necessary to have a sign of its present size to catch people's attention and that the McDonald's sign serves to also partially block his sign. In his opinion, he believes that each part of the sign is important to his business and generally left this Board with the impression that he was unwilling to make any choices to give up part of the sign, indicating that all parts were equally important.

In addition to testimony offered by the Petitioner, the Board has before it several letters from ministers and churches in the area in favor of the proposed sign variance. The law is well-settled that area variances may be granted where the strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973).

To establish practical difficulty for an area variance, the burden of proof is upon the Petitioner to establish the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974)

This Board has reviewed the evidence and testimony presented and finds as a matter of fact that the sign that Petitioner is

Case No. 91-210-A Jack Levin, et al 4

requesting is too large and is not necessary despite Petitioner's testimony to the contrary. The present sign is a total of 240 square feet (both sides) which is almost 2-1/2 times that which is permitted by the BCZR. The Board believes that the testimony supports the granting of a variance but not to this extent. A smaller area sign variance may be granted which would not be contrary to the spirit and intent of the BCZR and would not result in any detriment to the health, safety or general welfare of the community. Recognizing that the sign is a three-part sign, the Board believes that the granting of a variance in the total sign area of 160 square feet would be proper. This permits 80 square feet per side and would allow Petitioner to retain the upper and middle part of the present sign, should he choose to modify the presently-existing sign in lieu of its total removal.

ORDER

FOR THE REASONS SET FORTH ABOVE, IT IS THEREFORE this 1st day of November, 1991 by the County Board of Appeals of Baltimore County ORDERED that the requested variance is GRANTED to permit a total sign area of 160 square feet in lieu of the maximum permitted 100 square feet total, subject, however, to the following restrictions:

1. The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Case No. 91-210-A Jack Levin, et al 5

2. Prior to the issuance of any permits, Petitioner shall submit a detailed sign plan with specifications and a landscaping plan for approval by the Director and/or Deputy Director of the Office of Planning. A copy of the approved site plan shall be attached to the permit application.
3. When applying for the sign permit, the site plan, design plan, and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Michael B. Sauer, Acting Chairman
Harry E. Buchheister, Jr.
S. Diane Levero

IN RE: PETITION FOR ZONING VARIANCE
SW/S Liberty Road, 138' SE
of Tulsa Road
(6025 Liberty Road)
2nd Election District
2nd Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-210-A
* Jack Levin, et al
* Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein requests a variance to permit a total sign area of 256 sq.ft. (128 sq.ft. per face) in lieu of the maximum permitted 100 sq.ft. total, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Jack Levin, appeared, testified, and were represented by Sidney Schlachman, Esquire. Also appearing on behalf of the Petition was David M. Schlachman, Contract Lessee. There were no Protestants.

Testimony indicated that the subject property, known as 6025 Liberty Road, consists of 0.2857 acres zoned B.R.-C.N.S. and is improved with a 3,750 sq.ft. building which is part of a strip shopping center as depicted on Petitioner's Exhibit 1. Said building is occupied by State Mini-Mart which is a business similar to a 7-Eleven, with a liquor store and lottery sales. David Schlachman testified that he has operated the subject business since September 1987. He testified that in November 1987 he contracted to have the existing 256 sq.ft. sign erected on the property as depicted on Petitioner's Exhibit 1. Mr. Schlachman indicated that he believed the sign was in compliance with County regulations until receipt of the zoning violation notice in August 1989 at which time he filed the instant Petition. To support his position, he introduced as Petitioner's Exhibit 2, a letter dated November 3, 1987 from Connolly Signs, Inc. to

ASI Sign Systems with the contract specifications. He noted further that the confirming order indicated the installation price included a permit fee for Baltimore County. Petitioner argued that the subject sign does not create any detriment to the health, safety or general welfare of the area. He testified he recently attempted to contact Connolly Signs, Inc. to obtain verification that the sign installed was the sign presented to the Department of Permits and Licenses at the time the permit was issued. However, he has been unsuccessful since Connolly Signs, Inc. is now out of business. Mr. Schlachman indicated that he is further at a loss to establish his argument as the Department of Permits and Licenses does not have copies of permits issued back in 1987. He argued that the subject sign is needed to attract clients and indicated that he used to place advertisements in the newspaper and found that most of his business had been generated as a result of the sign.

The comments submitted by the Office of Planning dated December 6, 1990 recommended that the subject sign be denied. Said comments indicated that the sign is not consistent with the recommendations for signage in the Liberty Road Action Plan and is detrimental to the community. By letter dated January 24, 1991, the Liberty Communities Development Corporation, Inc. notified this office that they are opposed to the variance requested. In their opinion, the subject sign is in conflict with the Liberty Action Plan and is detrimental to the Woodlawn/Liberty Community Plan. Subsequent to the hearing, Petitioner submitted letters of support.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In the opinion of the Deputy Zoning Commissioner, the size of the subject sign is excessive and unnecessary; however, it is clear from the testimony that if a modified variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested, as modified, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of February, 1991 that a variance to permit a total sign area of 125 sq.ft. in lieu of the maximum permitted 100 sq.ft. total, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has ex-

OFFICER RECEIVED FOR FILING

Date 11/1/91
By [Signature]

ORDER RECEIVED FOR FILING

Date 11/1/91
By [Signature]

ORDER RECEIVED FOR FILING

Date 11/1/91
By [Signature]

pired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to the issuance of any permits, Petitioner shall submit a detailed sign plan with specifications and a landscaping plan for approval by the Director and/or Deputy Director of the Office of Planning. A copy of the approved sign plan shall be attached to the permit application.

3) Petitioners shall have ten (10) months from the date of this Order to remove the existing sign and replace same with the new sign.

4) When applying for the sign permit, the site plan, design plan, and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 18, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
SW/S Liberty Road, 138' SE of Tulsa Road
(6025 Liberty Road)
2nd Election District, 2nd Councilmanic District
JACK LEVIN, ET AL - Petitioner
Case No. 91-210-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on March 18, 1991 by Leonard J. Grossman, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Jack Levin, 2 Candlemaker Court, Balto., MD 21208

Leonard Grossman, Esquire - Goodman, Meagher & Enogh
111 N. Charles Street - 7th Floor, Balto., MD 21201-3892

Sidney Schlachman, 2208 Sheffler Court, Balto., MD 21209

David Schlachman, 2312 Pennyroyal Terrace, Balto., MD 21209

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Zoning Variance
SW/S Liberty Road, 138' SE of Tulsa Road
(6025 Liberty Road)
2nd Election District - 2nd Councilmanic District
JACK LEVIN, ET AL - Petitioners
Case No. 91-210-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Plan to accompany Petition

2. Sign Proposal from Connolly Signs, Inc.

Deputy Zoning Commissioner's Order dated February 28, 1991 (Granted with restrictions)

Notice of Appeal received March 18, 1991 from Leonard J. Grossman, Attorney on behalf of the Petitioners.

cc: Jack Levin, 2 Candlemaker Court, Balto., MD 21208

Leonard Grossman, Esquire - Goodman, Meagher & Enogh
111 N. Charles Street - 7th Floor, Balto., MD 21201-3892

Sidney Schlachman, 2208 Sheffler Court, Balto., MD 21209

David Schlachman, 2312 Pennyroyal Terrace, Balto., MD 21209

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney
Public Services

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

No 3691

Date

10/17/90

H7100165

PUBLIC HEARING FEES QTY PRICE

020 -ZONING VARIANCE (OTHER) 1 X \$175.00

TOTAL: \$175.00

LAST NAME OF OWNER: LEVIN

04404H0050NICHURC \$175.00
BA C009:136K10-18-90
Please make checks payable to: Baltimore County

Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-210-A

District: 2nd

Date of Posting: 1-8-91

Posted for: *David M. Schlachman*

Petitioner: *David M. Schlachman*

Location of property: *SW/S Liberty Road, 138' SE of Tulsa Road*

Location of Sign: *SW/S Liberty Road*

Remarks:

Posted by: *J. Robert Haines*

Date of return: *Jan 11 - 91*

Number of Signs: 1

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-210-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2.f. To permit a total sign area of 256 square feet (128 per face) in lieu of the maximum 100 total.

of the Zoning Regulations of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty). Three years ago I contracted Connolly Signs to build and install a sign. Mr. Connolly was responsible for the zoning application and approval which he did take care of and did receive a permit to install. When I received notification that the sign was in violation, I called Connolly sign only to find out they have gone out of business.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: *David M. Schlachman*

David M. Schlachman

David M. Schlachman

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David M. Schlachman

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 91-210-A

Date: 1/24/91

APPEARANCE OF OTHER OWNERS: 1 X \$100.00
15% ADVERTISING RIGHTS / ADVERTISING: 1 X \$45.00
TOTAL: \$150.00

LAST NAME OF OWNER: LEVIN

04A0480052NICHRC
Please Make Checks Payable To: Baltimore County 20716AHD1-31-91 \$150.00

Cashier Validation

receipt

Date: 1/24/91

71-210

15100540

PUBLIC HEARING FEES QTY PRICE
600 - POSTING SIGNS / ADVERTISING 1 X \$34.18
TOTAL: \$34.18

LAST NAME OF OWNER: LEVIN

04A0480052NICHRC
Please Make Checks Payable To: Baltimore County 20716AHD1-31-91 \$34.18

Cashier Validation

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1-8-91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12-27-90

THE JEFFERSONIAN,
S. Zeke Orlan
Publisher

\$ 35.18

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 1/24/91

Re: David H. Schlachman
2312 Pennsylvania Terrace
Baltimore, Maryland 21209

RE:
Case Number: 91-210-A
50/5 Liberty Road, 132' SE of Tulsa Road
6025 Liberty Road
2nd Election District - 2nd Councilmanic
Legal Owner: Jack Levin
Contract Purchaser: David H. Schlachman
HEARING: THURSDAY, JANUARY 31, 1991 at 10:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 34.18 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE OWNER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND
cc: Sidney Schlachman

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 11, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-210-A
50/5 Liberty Road, 132' SE of Tulsa Road
6025 Liberty Road
2nd Election District - 2nd Councilmanic
Legal Owner: Jack Levin
Contract Purchaser: David H. Schlachman
HEARING: THURSDAY, JANUARY 31, 1991 at 10:00 a.m.

Variance to permit a total sign area of 256 square feet (128 per face) in lieu of the maximum 100 total.

J. Robert Haines
Zoning Commissioner of
Baltimore County

cc: Jack Levin
David H. Schlachman
Sidney Schlachman, Esq.

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 24, 1991

Sidney Schlachman, Esquire
2208 Shefflin Court
Baltimore, MD 21209

RE: Item No. 165, Case No. 91-210-A
Petitioner: Jack Levin
Petition for Zoning Variance

Dear Mr. Schlachman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Jack Levin
2 Candelmaker Court
Baltimore, MD 21208

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

December 5, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Jack Levin Property
Zoning Meeting of
11-20-90
5/5 Liberty Road (MD 26)
132' East of Tulsa Road
(Item #165)

Attn: Mr. James Dyer

Dear Mr. Haines:

We have received the submittal for a variance to permit a total sign area of 256 square feet (128 per face) in lieu of the maximum 100 total.

We have forwarded this plan to our Highway Beautification Section, c/o George Dawson (333-1642) for all comments relative to zoning.

If we can be of further assistance, please contact Larry Brocato of this office at (301) 333-1350.

Very truly yours,
John Contestabile, Chief
Engineering Access Permits
Division

LB:maw

cc: Mr. George Dawson (w-attachment)
Silberman & Associates
Mr. J. Ogle

RECEIVED
DEC 12 1990
ZONING OFFICE

My telephone number is (301) 333-1350 (Fax #333-1041)

Teletypewriter for Impaired Hearing or Speech
363-7554 Baltimore Metro - 565-0451 D.C. Metro - 1-800-452-5062 Statewide Toll Free

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: December 6, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Jack Levin, Item No. 165

The Petitioner requests a Variance to permit a total sign area of 256 sq. ft. (128 ft. per face) in lieu of the maximum 100 ft. total.

In reference to this request, staff offers the following comments:

- This site is located within the confines of the Liberty Road Action Plan as adopted in 1980. The Liberty Road Action Plan places limitations on the size of ground signs along Liberty Road (see attachment). The existing sign, which this request addresses, is not consistent with the recommendations for signage in the Liberty Road Action Plan.
- This area is within the current study boundaries of the Woodlawn/Liberty Community Plan. One of the purposes of the current plan is to improve both the physical and perceived image of the community.
- According to a memo from the zoning commissioner, dated February 2, 1990, a variance or special exception may be denied if it is viewed as detrimental to the community plan.

Based upon the analysis conducted, staff recommends the Petitioner's request be denied.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM165/ZAC1

received
12/11/90

Baltimore County Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(800) 887-4500

Paul H. Reincke
Chief

NOVEMBER 21, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JACK LEVIN
Location: #6025 LIBERTY ROAD
Item No.: 165 Zoning Agenda: NOVEMBER 20, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Joseph Kelly (Noted and Approved) Capt. William J. Bagley (Approved)
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
NOVEMBER 15, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT OF ZONING
FROM: CHARLES E. HUNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM # 165
PROPERTY OWNER: Legal Owner: Jack Levin
Contract Purchaser: David M. Schlachman
LOCATION: SW/8 Liberty Road, 132' SE of Tulsa Rd
(#6025 Liberty Road)
ELECTION DISTRICT: 2nd
COUNCILMANIC DISTRICT: 2nd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

(X) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED:

() PARKING LOCATION (X) RAMPS (degree slope)
(X) NUMBER PARKING SPACES (X) CURB CUTS
(X) BUILDING ACCESS (X) SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 101.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - A THREE-FOOT SEPARATION BETWEEN BUILDING AND ADJACENT PROPERTY IS REQUIRED FOR 8 ROOM 100, 111 WEST CHESAPEAKE AVENUE, BALTIMORE, MD 21204 - PHONE - 897-3900.

THIS CASE INVOLVES MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A PERMIT MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer
Zoning Supervisor

DATE: October 18, 1990

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Item No. 165 (if known)
Petitioner: David M. Schlachman (if known)

VIOLATION CASE # C-90-247

LOCATION OF VIOLATION 6025 Liberty Road

DEFENDANT Jack and Bernice Levin

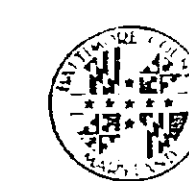
ADDRESS 2 Candlemaker Court Baltimore, MD 21208

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

ech/



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. May 8, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-210-A JACK LEVIN, ET AL
SW/8 Liberty Rd., 138' SE of Tulsa Rd.
(6025 Liberty Rd.)
2nd Election District
2nd Councilmanic District

VAR-to permit sign area of 256 sq. ft.
in lieu of permitted 100 sq. ft.

2/28/91 - D.Z.C.'s Order GRANTING Petition
with restrictions.

ASSIGNED FOR: TUESDAY, OCTOBER 15, 1991 AT 1:00 P.M.

cc: Leonard Grossman, Esquire Counsel for Petitioner/Appellant

Mr. Jack Levin

Mr. Sidney Schlachman

Mr. David Schlachman
People's Counsel for Baltimore County - out per Shirley Bess 5/18/91
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

LindaLee M. Kuszmaul
Legal Secretary

5/8/91 - Following parties notified of hearing set for October 15, 1991 at 1:00 p.m.:

Leonard Grossman, Esquire
Mr. Jack Levin
Mr. Sidney Schlachman
Mr. David Schlachman
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

October 25, 1991

Newton A. Williams, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHFD.
Suite 700, Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-5340

RE: Case No. 91-210-A
Jack Levin, et al

Dear Mr. Williams:

This is to acknowledge receipt of your letter, dated October 21, 1991 in the above-captioned matter, which has been placed in the subject file.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

cc: Phyllis C. Friedman, Esquire
Mr. Larry Boltanski
c/o Newton A. Williams, Esq.
Mr. David Schlachman
Leonard J. Grossman, Esquire

NEWTON A. WILLIAMS
THOMAS J. REINER
WILLIAM P. GONDELMART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. GUSHAKOV
STEPHEN M. SCHENKING
DOUGLAS L. BURGESS
ROBERT E. CARL, JR.
LOUIS G. CLOSE, II
E. BRUCE JONES, *
GREGORY J. JONES
*ALSO ADMITTED IN D.C.
*ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(301) 823-7800
TELEFAX 800-898-2785
October 21, 1991

JAMES D. NOLAN
DEFERRED 9889
J. EARLE PLUMHOFF
98-10-1988
RALPH E. DEITZ
98-10-1988
OF COUNSEL
T. BAYARD WILLIAMS, JR.
RICHARD L. SCHAEFFER
-7856
WRITER'S DIRECT DIAL
823-

The Honorable Michael B. Sauer, Esquire
Chairman, Baltimore County Board of Appeals
Third Floor, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Jack Levin, et al., Sign Variance Case
Case No. 91-210-A, Date of the Hearing: 10/15/91

Dear Chairman Sauer and Members of the Board:

Confirming my discussions with the Board, basically my clients are asking for a sign variance based upon a very unique practical difficulty and unreasonable hardship situation.

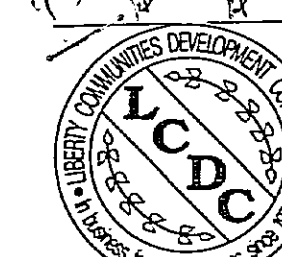
The practical difficulty and unreasonable hardship in this situation are founded upon the fact that they properly employed a sign company, Connolly Sign Company, to fabricate and install this sign, including obtaining proper permits, and this is a very expensive sign at almost \$11,000 cost.

Apparently, Connolly Sign Company did obtain permits to install the sign, but for some reason or another Baltimore County approved a larger sign than allowed under the other business category signs permitted under Section 413.2F which allows only 100 square feet, counting all faces.

It is very possible that Baltimore County and Connolly assumed that the three stores in question constituted a shopping center, and that a 150 square-foot sign, counting only one face, even though it is double-faced, would then be allowed under Section 413.2F.

However, because Permits and Licenses no longer have the permit application records due to a switch over to a computer system, we can never know with certainty what exactly happened.

Also, as I explained to the Board, until recent years, signs of this type, namely other business signs, were only counted as one face, and this sign would be counted as 128 faces.



LIBERTY COMMUNITIES DEVELOPMENT CORPORATION, INC.
3820 Fernside Road • Randallstown, MD 21133 • (301) 655-7766

January 24, 1991

Mr. J. Robert Haines
Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, MD 21204

Re: 6025 Liberty Road
#91 210 A, Item 165

Dear Commissioner Haines:

On Monday evening, January 21st the LCDC Board of Directors voted to oppose the petition for a variance for a 256 sq. ft. sign in lieu of the maximum 100 sq. ft. allowed (Minutes attached).

This request is in conflict with the Liberty Action Plan and could also be detrimental to the new Woodlawn/Liberty Community Plan.

Sincerely,

Jim Jones
Director, LCDC
Attachment

RECEIVED
ZONING OFFICE

LAW OFFICES OF
GOODMAN, MEAGHER & ENOCH
ATTORNEYS AND COUNSELLORS-AT-LAW
111 N. CHARLES STREET-7TH FLOOR
BALTIMORE, MD. 21201-3892

TELEPHONE (301) 752-3666

March 12, 1991

WALTER F. BALINT
JEFFREY F. WINNBERG
JOHN AMATO, IV
JERRY DRESNER
ROBERT B. ARMSTRONG
FAX (301) 752-3105

Baltimore County Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance SW/S Liberty Road
132' SE of Tulsa Road
6025 Liberty Road
2nd Election District - 2nd Councilmanic District
Jack Levin, et al - Petitioners
Case No. 91-210-A

Gentlemen:

Enclosed please find a check, payable to Baltimore County, Maryland, in the amount of \$150.00 to cover costs of filing an Appeal to the County Board of Appeals pertaining to the above entitled matter.

Please, also, accept this letter as the Petitioners intent to file said Appeal from the decision rendered on February 28, 1991 by the Deputy Zoning Commissioner.

Very truly yours,

GOODMAN, MEAGHER & ENOCH

By: Leonard J. Grossman

LJC:jc
Enclosures
cc: Board of Appeals
111 W. Chesapeake Avenue
Room 315
Towson, Maryland 21204

RECEIVED
ZONING OFFICE

Baltimore County Zoning Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTN: Ann Nastarowicz

February 18, 1991

RECEIVED
FEB 20 1991

ZONING OFFICE

Dear Ms. Nastarowicz,

I am appalled to find out the "unnecessary" changes that the Zoning Office is putting Mr. Dave Schlachman through. Especially since the local neighborhood association gave the sign its blessing. When Mr. Schlachman took over the building at 6025 Liberty Road a couple of years ago, I was assigned on behalf of the Powhatan Farms Neighborhood Association to talk to him regarding some concerns we had.

I happen to be at the store on the day that a Structural Engineer was doing an analysis for the outdoor sign. After talking with Mr. Schlachman regarding the problems we had with the previous License holder, I spoke with the engineer. I informed both Mr. Schlachman and the engineer that I saw no problem with the proposed sign. When the sign was erected, I personally viewed it along with a couple members of the association. We all agreed that the sign was in good taste and not overbearing.

I cannot understand why your office would investigate a complaint about the sign at Mr. Schlachman's place from a "group" in Randallstown without consulting with the local neighborhood groups. I am personally upset because I believe that if our other neighborhood groups should come to us if they have a problem. I am mindful of the fact that your office is tasked with insuring that ordinances and laws are obeyed. However in view of the fact that an oversight occurred somewhere that allowed the sign to be put up and approved, and the fact that this neighborhood association has no problem with the sign; I believe the matter should be left alone.

I am sending a copy of this letter to Councilman Mel Mintz as I want him to explain why an association in Randallstown is interfering in Powhatan Farms matter.

Sincerely,

(REV) Henry J. Turner
3419 Redman Road
Baltimore, Maryland 21207
W: 965-1036
R: 944-4246

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
DAVID M. SCHLACHMAN 2312 PENNYPOL TERRACE
ACK B. LEVIN 2 CANDLER COT

CONNOLLY SIGNS INC.

625 PORTLAND ST.
BALTIMORE, MD 21230
TELEPHONE: (301) 727-0758

TO: Mr. David Schlachman

DATE December 10, 1987

STORE

JOB NAME STATE MINI MART

ATTENTION OF:

LOCATION

GENTLEMEN:

☒ WE ARE SUBMITTING
☒ WE ARE FORWARDING
☐ WE ARE RETURNING
☐ WE REQUEST

☐ PLANS
☒ SPECIFICATIONS
☐ CHANGE ORDER
☐ COPY OF LETTER
☐

COPIES OF EACH	DWG. NO.	TITLE
2	1180-A	Double faced free standing sign/Internally illuminated.

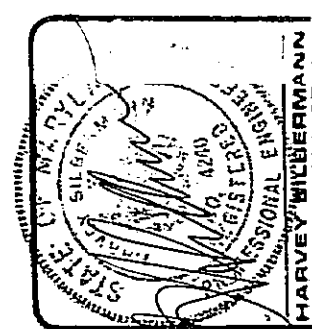
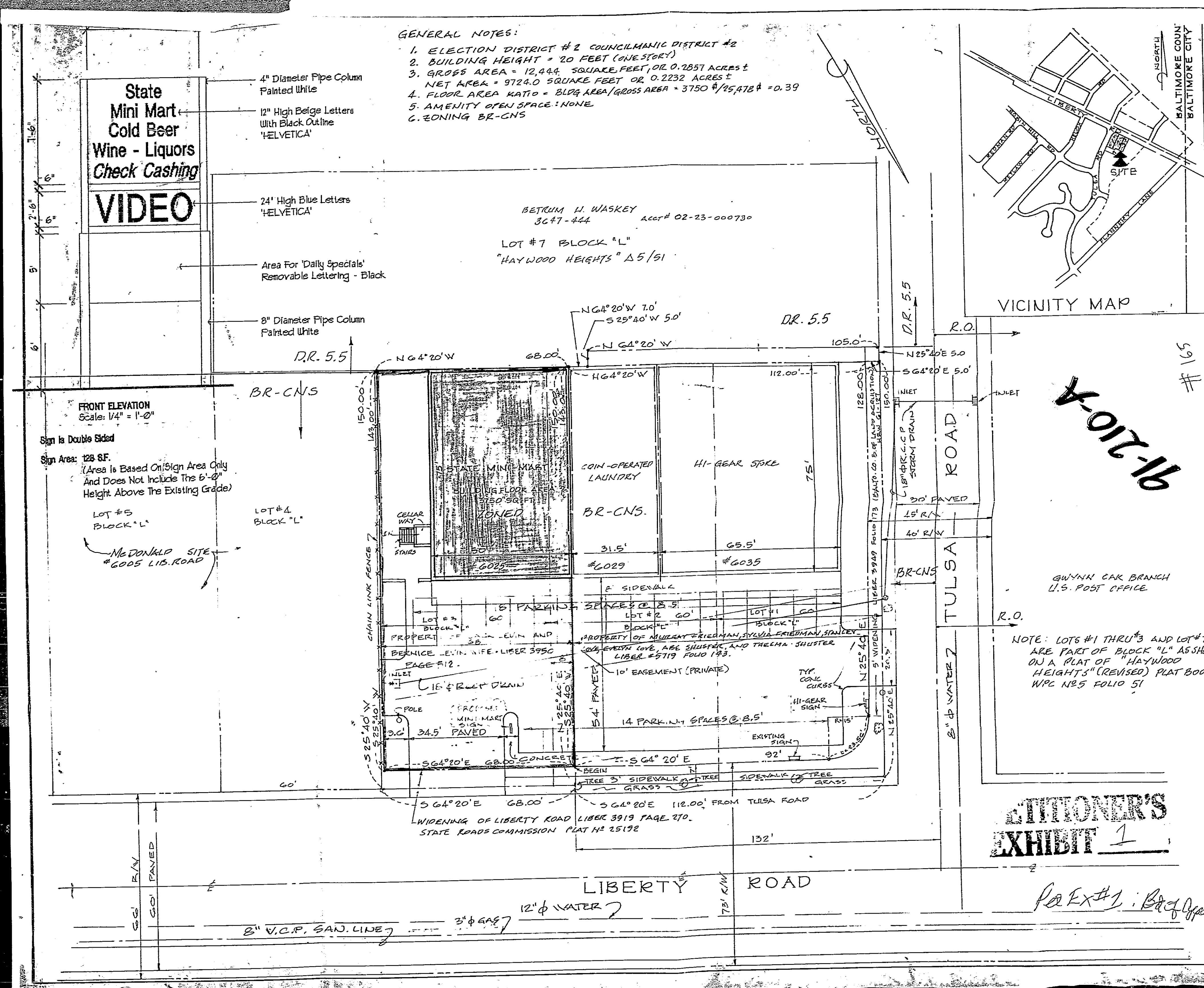
THESE ARE SENT TO YOU:

☒ FOR YOUR USE
☐ FOR YOUR COMMENTS
☐ FOR YOUR BIDS
☐ FOR YOUR INFORMATION

REMARKS: Please make any changes or comments etc. on one copy and send it back to me.

BY:

MANUFACTURERS OF QUALITY ELECTRICAL ADVERTISING



SILBERMANN and ASSOCIATES
Engineers - Surveyors
3521 East Joppa Road
Baltimore, Maryland, 21234
ph. 301-661-5888

PLAN TO ACCOMPANY CONJUG. VARIANCE FOR
A SIGN FOR STATE MINI-MART
#6005 LIBERTY ROAD
BALTIMORE COUNTY, MARYLAND - ELECTION DIST. #2
PROJECT: PROPOSED SIGN
DATE: OCTOBER 23, 1990 SCALE: 1/4" = 1'-0" DWG. BY: J. SILBERMANN

FILE NUMBER	REVISIONS
900821	1

SHEET 1 OF 1
DRAWING
900821
MINI-MART SIGN

CONNOLLY SIGNS INC.

formerly Litsinger
625 PORTLAND ST.
BALTIMORE, MD, 21230

TELEPHONE: (301) 727-0758

ASI Sign Systems
1123 E. Baltimore Street
Baltimore, Maryland 21203

Attn: Ed Hiller

Dear Mr. Hiller,

We propose to fabricate one double faced free standing sign in four sections.

Section #1 top to be 5' high by 8' wide constructed of .040 aluminum internally illuminated with high output fluorescent lamps with zero degrees ballast. Faces illuminated with high output fluorescent lamps with zero degrees ballast. Faces to be of white (plexiglass) 3/16" thick, copy to be in griplax acrylic paint applied by spray method. Copy to read "STATE MINI-MART #605", STATE #605 to be black MINI-MART to be orange with a black outline.

Section #2 second from top to be 3' high by 8' wide utilizing the same type of construction & components as Section #1. Copy to read "COLD BEER, WINE - LIQUOR in turquoise copy.

Section #3 third from top to be 4' high by 8' wide utilizing the same type of construction and components as Sections #1 & #2. Copy to read "VIDEO" in orange with black outline.

Section #4 bottom to be 4' high by 8' wide utilizing the same type of construction as Sections #1, #2 & #3 with 4 rows of changeable copy, track to receive 8" copy. Included with this section will be 300 black changeable letters with one 6" mechanical hand.

All the above signs to be mounted on two 8" steel pipe set into a concrete foundation with 15' of pipe exposed. Sleeved into this will be 6" pipe. Sections 1 thru 4 to be mounted between the pipes with a 1' space between each section with the top 25' above grade. We will connect to existing electrical service if sufficient. Otherwise your electrician will have to pull new service. Your cost \$10,260.00.

Terms \$9800.00 to be deducted from the balance Connolly owes to Inter Sign. Balance of \$460.00 to be billed on completion.

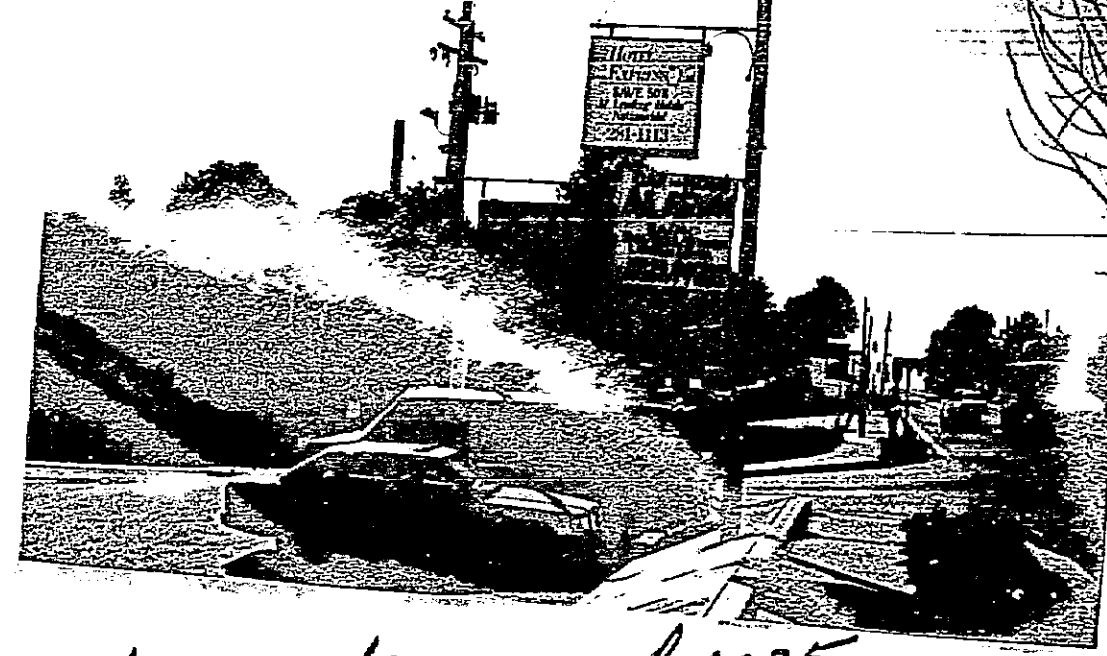
ELECTRICAL ADVERTISING

342-9100
9il 8/04
November 5, 1987

EXHIBIT 2

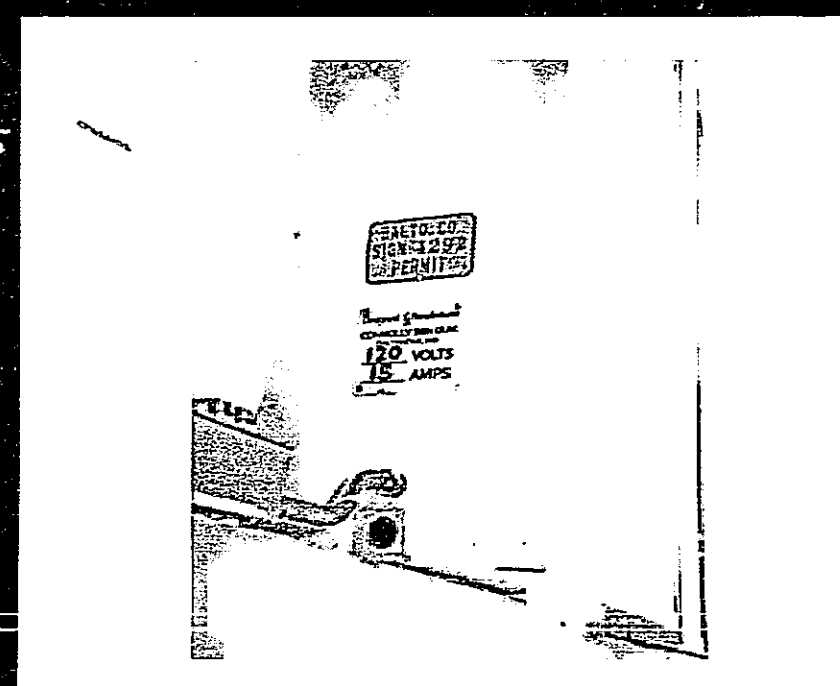


A. Subject sign at 6025 Liberty Rd. looking SE.



B. Signs at 6029 and 6035 Liberty Rd.

Col. Exh #2A



CONNOLLY SIGNS INC.

formerly Litsinger
625 PORTLAND ST.
BALTIMORE, MD, 21230

TELEPHONE: (301) 727-0758

ASI Sign Systems
1123 E. Baltimore Street
Baltimore, Maryland 21203

Attn: Ed Hiller

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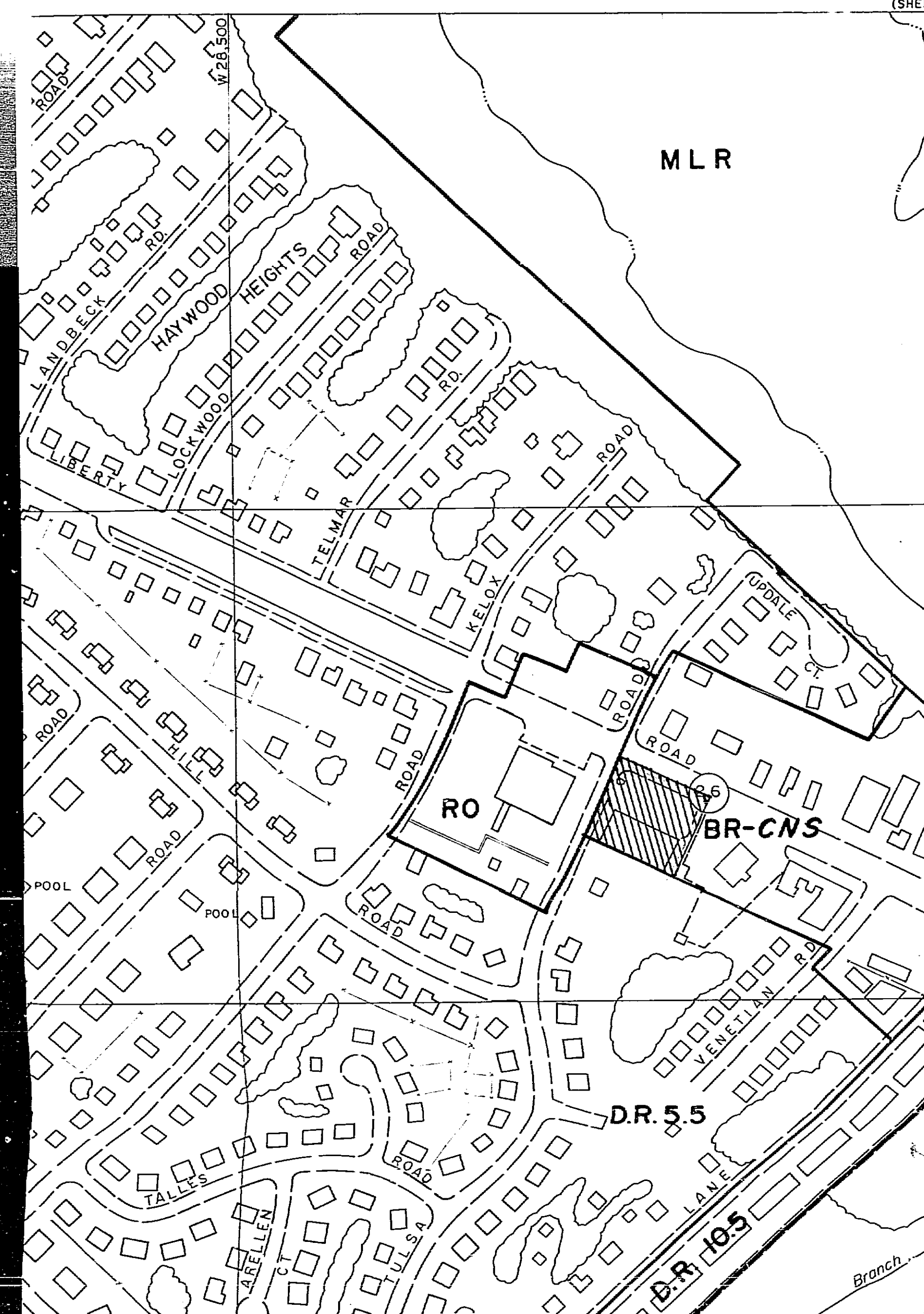
MANUFACTURERS OF QUALITY ELECTRICAL ADVERTISING

CONNOLLY SIGN CO., INC.
625 PORTLAND STREET
BALTIMORE, MD, 21230
(301) 727-0758
DATE 12/1/87 DRAWING BY JAMES W. LEWIS

D. Fast Food signs on opp. side of Liberty Rd.

Col. Exh #2B

E. Fast food - Property to South on Liberty Rd.



Ministers Organized to Help, Inc.

M O T H

P. O. BOX 7548

BALTIMORE, MARYLAND 21207

February 18, 1991

Baltimore County Zoning Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTN: Ann Nastarowicz

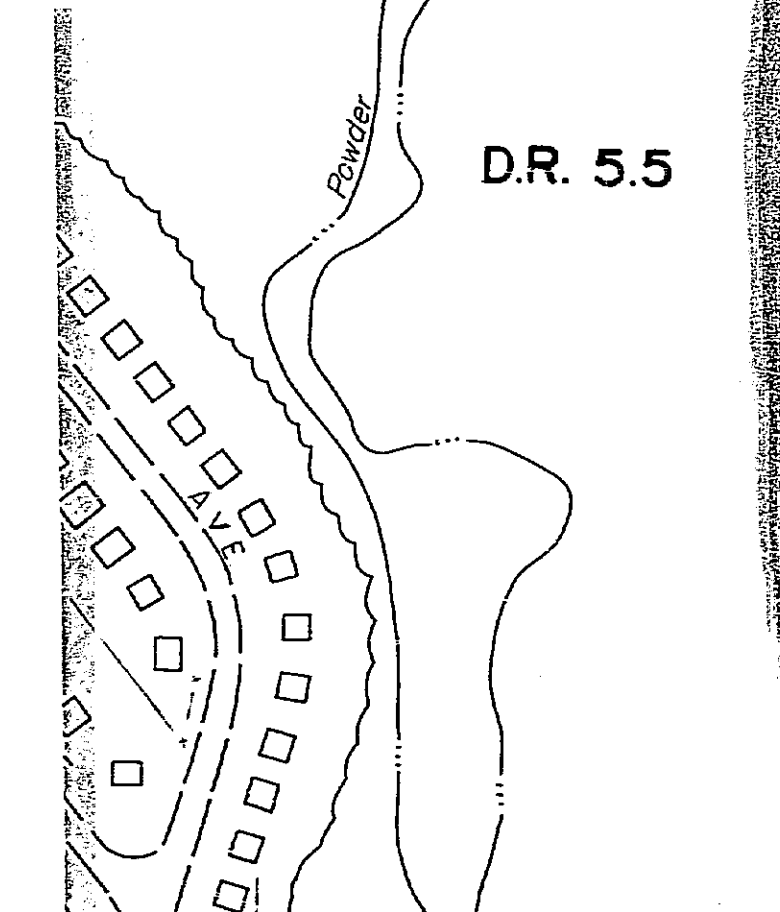
Dear Ms. Nastarowicz,

As one of those individuals who viewed the sign in front of State Minimarket at 6025 Liberty Road on behalf of the Powhatan Farms Neighborhood Association, I am upset that my decision for approval is now in question. I have driven up and down the Liberty Road corridor many times and have always found the State Minimarket sign to be in consonance with other signs in the area.

I believe that inasmuch as a bonafide neighborhood committee found it acceptable, your office ought to leave matters alone. Especially since I understand the complaint comes from folks way outside the neighborhood.

Sincerely,

Rev. George A. Jones
REV George A. Jones
President



BALTIMORE
OFFICE OF PLANNING
OFFICIAL